

Ordinance Summary published in the Miami County Republic on June 21, 2023 and the full text of the Ordinance made available at www.cityofpaola.com for a minimum of 1 week from the date of publication.

Ordinance No. 3205 Summary

On June 13, 2023, the City of Paola, Kansas, adopted Ordinance No. 3205, amending the Paola Land Development Ordinance, Article 03. Use Regulations and Article 04. District Intensity and Bulk Standards to allow for tiny home cluster developments. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 19 E Peoria Street or at www.cityofpaola.com. This summary is certified by Lee H. Tetwiler, Paola City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 3205

AN ORDINANCE AMENDING ARTICLE 3. USE REGULATIONS, SECTION 03.110A - GENERAL USE TABLE, SECTION 03.110A - LIMITED AND CONDITIONAL USE STANDARDS, SECTION 03.110A1 - NC-R DISTRICT RESIDENTIAL USES, LDO DIVISION 03.300 - LIMITED AND CONDITIONAL USES, SECTION 03.313 – SINGLE FAMILY RESIDENTIAL AND ARTICLE 04. DISTRICT INTENSITY AND BULK STANDARDS, SECTION 04.110A – USE AND LOT STANDARDS OF THE PAOLA LAND DEVELOPMENT ORDINANCE TO ALLOW TINY HOME CLUSTER DEVELOPMENTS ON RESIDENTIAL PROPERTIES IN THE CITY OF PAOLA, KANSAS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

Section 1. That Article 3. Use Regulations, Section 03.110A – General Use Table of the Paola Land Development Ordinance is amended to include as shown in Attachment A.

Section 2. That Article 3. Use Regulations, Section 03.110A – Limited and Conditional Use Standards of the Paola Land Development Ordinance is amended to include as shown in Attachment A.

Section 3. That Article 3. Use Regulations, Section 03.110A1 – NC-R District Residential Uses of the Paola Land Development Ordinance is amended to include as shown in Attachment A.

Section 4. That Article 3. Use Regulations, Division 03.300 – Limited and Conditional Uses, Section 03.313 – Single Family Residential of the Paola Land Development Ordinance is amended to include as shown in Attachment A.

Section 5. That Article 4. District Intensity and Bulk Standard, Section 04.110A – Use and Lot Standards of the Paola Land Development Ordinance is amended to include as shown in Attachment A.

Section 6. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 7. That this ordinance shall become effective after its passage, approval and publication in the official city newspaper pursuant to KSA 12-3001, et seq.

PASSED AND APPROVED by the Governing Body this 13th day of June, 2023.

APPROVED by the Mayor this 13th day of June 2023.



Leigh House
Leigh House, Mayor

ATTEST: [seal]

Stephanie Marler
Stephanie Marler, City Clerk

ATTACHMENT A

Table 3.110 A. GENERAL USE TABLE

Permitted Land Use		Parking						Loading		(% of Building Area)	
Land Use	E	S	NC	SC	TA	D	BP	I			
Residential											
Tiny Home Cluster	C	C	A1	N	C	N	N	1.5 / du plus 1 guest / 3 du	None	NA	NA

Table 3.110 A. GENERAL USE TABLE -- Limited and Conditional Use Standards

Bufferyards		Separation		Minimum		Maximum		Other	
Land Use	Location	Increase Opacity	Fence	Use Protected Use	Distance from Use	Spacing	Site Area	Lot Area	Height
Residential									
Tiny Home Cluster (THC)	all	0.4	6 ft	THC	1,000 ft	10 ft	1.5 ac		

Table 3.110 A1. NC-R District Residential Uses

Residential	NC-R1	NC-R2	NC-R3	Parking	Loading	Exterior Storage (% of Building Area)
Tiny Home Cluster	N	N	C	1.5 / du plus 1 guest / 3 du	None	NA

Table 4.110 A. USE AND LOT STANDARDS (See also Section 06.120 and Table 13.140)

Zoning District & Development Type	District Standards			Site, Lot, and Building Standards									
	Min. OSR / LSP	Density Max	Floor Area Ratio Max	Minimum**			Maximum						
	Gross	Net	Gross	Net	Sewer	Site Area	Lot Area***	Lot Width	Street Yard	Rear Yard	Height	Bldg Curg	
Tiny Home Cluster	0.25	10.0	12.0	NA	NA	P	1.5 ac	3,500 sf	40 ft	15'	8'	18 / 25'	850 sf

[^] Tiny homes may not exceed 18' in height, except that pitched roofs with a minimum pitch of 6:12 may extend up to 25' in height. All parts of a roof above 18' in height must be pitched.

ATTACHMENT A

Ordinance No 3205

LDO DIVISION 03.300 LIMITED AND CONDITIONAL USES

Section 03.313 SINGLE FAMILY RESIDENTIAL (addition to section 03.313)

D. Tiny home single family cluster developments may be considered for a Conditional Use Permit (CUP) if the following standards are met:

1. The cluster development must be retained under common ownership including the common open spaces, building, and structures.
2. A site plan is submitted and approved by the Planning Commission and the City Council.
3. Tiny home development shall only be permitted with a minimum spacing of 1,000 feet between tiny home developments.
4. The minimum site area in any district is one and a half (1.5) acres.
5. All tiny home cluster developments must provide an on-site storm shelter.
6. All tiny home cluster developments must comply with lot setbacks set in Article 4. Flexible setbacks are permitted from lot boundaries to enable functional site design during site plan review by the Planning Commission. All tiny homes shall maintain a minimum separation of ten (10) feet from other tiny homes within the development.
7. Each tiny home within a development shall meet the off-street parking requirements in Table 3.110A.
8. Off-street parking spaces for tiny homes must be of an acceptable all-weather surface such as asphalt, concrete, chip seal, graded and compacted gravel, or other stabilized system.
9. All tiny homes must be connected to all available public utilities. Composting toilets are not permitted.
10. Tiny homes on wheels are not permitted.
11. Prefabricated tiny homes built in accordance with currently adopted building codes are permitted.
12. Tiny homes may be used as a Guest House in accordance with Section 03.314 as allowed by Table 3.110A, General Use.
 - a. Tiny home as a guest house is defined as a small detached accessory dwelling unit located on the same lot as a primary single-family detached dwelling unit that is intended to provide living quarters for non paying personal guests of the owner(s) of the principal residence. The primary dwelling unit must be owner occupied. The tiny home guest house shall not have separate utility meters.
 - b. The area where the tiny home guest house is located shall not be divided off into a new lot of record.
 - c. Tiny homes used as a guest house shall be on a site with an owner-occupied single-family residence.
 - d. The architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the unit shall be substantially the same as and visually compatible with the primary dwelling
 - e. Tiny homes used as a guest house may not be on wheels and shall be placed on a permanent foundation
 - f. No more than one tiny home guest house per property.
 - g. The combined square footage of the principal structure, guest house, detached garage, and storage/utility shed shall not exceed the maximum building coverage in Table 04.110A Use and Lot Standards. Where no maximum building coverage is provided, the combined structures shall not cover more than 70% of the lot area.

13. Landscaping requirements (See Section 06.120):
 - a. One (1) landscaping plant unit per tiny home.
 - b. Four (4) landscaping plant units per acre of open space.
 - c. The number of plan units required may be altered by the Planning Commission during site plan review.
 - d. The requirement of an opaque fence around the perimeter of the lot will be at the discretion of the Zoning Administrator during the site plan review process.
14. Each tiny home that is moved in or built on site must be inspected by the City of Paola Building Inspector to obtain a Certificate of Occupancy.
15. Utility easements, as required by a service provider and drainage easements as necessary to cover any drainage improvements, shall be shown on the site plan with easement dimensions and recording information provided.
16. Structural Requirements
 - A. All requirements of the 2018 International Building Code, Appendix Q shall be met:
 - a. AQ103 Ceiling Height
 - b. AQ104 Lofts
 - c. AQ105 Emergency Escape and Rescue Openings
 - B. Minimum square footage shall not account for the required cooking facilities, toilet faculty areas, or lofts, which are required in addition to the minimum clear floor area of 120 square feet for a single occupant, 220 square feet for two occupants, and 320 square feet for three occupants.

Defining Tiny Home

Tiny Home. “Tiny home” means a detached and self-contained dwelling unit permanently constructed on a foundation, frame or chassis and designed for use as permanent living quarter that:

- A. Is equipped for the basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.
- B. Must be only one story (excluding lofts)
- C. “Tiny home” does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.